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**Notice of Allowability**

Application No.

09/546,191

Examiner

Michael W. Hoyer

Applicant(s)

HASHIMOTO, KAZUNORI

Art Unit

2614

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Amendment filed on 6/24/04.
2. ☒ The allowed claim(s) is/are 5-11.
3. ☒ The drawings filed on 04 May 2000 are accepted by the Examiner.
4. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
  1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1. <input type="checkbox"/> Notice of References Cited (PTO-892)  | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)           |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                | 6. <input type="checkbox"/> Interview Summary (PTO-413),<br>Paper No./Mail Date _____ |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No./Mail Date _____ | 7. <input type="checkbox"/> Examiner's Amendment/Comment                              |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material          | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance  |
|   | 9. <input type="checkbox"/> Other _____   |

## **DETAILED ACTION**

### ***Response to Arguments***

1. Applicant's arguments, see Amendment filed on 6/24/04, with respect to the rejection of claims 5 and 8 under 35 USC 103(a) as being unpatentable over Eyer et al (USPN 6,160,545), have been fully considered and are persuasive. Therefore, the rejection has been withdrawn.

### ***Allowable Subject Matter***

2. Claims 5-11 are allowed.

The following is an Examiner's statement of reasons for allowance: the prior art, alone or in combination, does not teach or fairly suggest the subject matter of the Applicant's claimed invention as described below.

As to independent claim 5, the most applicable art of record, the Eyer et al (USPN 6,160,545) reference fails to teach or suggest the claimed, "said digital head end commonly transmits program data to the terminals provided in each area, said program data containing identifying data that indicates digital programs of not-yet-provided services for the plurality of areas and information regarding the digital programs..." The Eyer et al patent discloses that the microprocessor 170 of an IRD (Integrated Receiver Decoder) or terminal can discard or ignore IPG data (program data) for programs that are not defined within a channel map stored in the IRD. However, the Eyer et al reference fails to teach or disclose that the IPG data has "identifying data" which indicates programs of not-yet-provided services in a respective area or areas, and that such identifying data is transmitted to the IRD. The IRD discards programs that

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are not defined in a channel map of the IRG in a particular region, rather than programs that are specifically defined in identifying data that is transmitted to the IRD. Therefore, the reference fails to teach or suggest that which is noted above.

As to independent claim 8, the claim is allowable based on similar reasons as set forth above for independent claim 5.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael W. Hoyer whose telephone number is (703) 305-6954. The examiner can normally be reached on Monday to Friday from 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller, can be reached at (703) 305-4795.

**Any response to this action should be mailed to:**

Please address mail to be delivered by the United States Postal Service (USPS) as follows:

Mail Stop \_\_\_\_  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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Please address mail to be delivered by other delivery services  
(Federal Express (Fed Ex), UPS, DHL, Laser, Action, Purolator,  
etc.) as follows:


U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street South  
Customer Window, Mail Stop \_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, Virginia 22202

**Or faxed to: (703) 872-9306**

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive,  
Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding  
should be directed to customer service whose telephone number is **(703) 308-HELP**.

Michael W. Hoye  
November 24, 2004

  
JOHN MILLER  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600